

IN RE: PETITION FOR VARIANCE
E/S Winans Road, 274' SW of
the c/l Selma Avenue
(1721 Winans Road)
13th Election District
1st Councilmanic District

Harry L. Ring, et ux, Owners;
Michael S. Donohue, Contract Purchaser

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 99-497-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject property, Harry L. Ring, Jr., and his wife, Nelda I. Ring, and the Contract Purchaser, Michael S. Donohue. The Petition, as filed, requests relief from Sections 1B02.3.C.1 , 303.1 and 301 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 10 feet in lieu of the minimum required 26.5 feet, a rear yard setback of 10 feet in lieu of the required 30 feet, and an open projection (deck) setback of 3 feet in lieu of the required 22.5 feet. Subsequent to filing the instant Petition, the Petitioner amended his site plan to the extent that rear setbacks of 16 feet (dwelling) and 10 feet (deck) are being requested. Relief from front and side yard setback requirements remains the same. The subject property and relief requested are more particularly described on the amended site plan submitted at the hearing, which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Harry L. Ring, Jr., property owner, his son, Jeffrey D. Ring, Michael S. Donohue, Contract Purchaser, John C. Mellema, Jr., Professional Land Surveyor who prepared the site plan of this property, and Charles F. Welsh, a representative of Glyndon Construction Co, Inc., Petitioners' builder. Appearing as Protestants in the matter were Henry Altevogt and Mark Damron, adjacent property owners.

An examination of the site plan reveals that the subject property is a triangularly shaped lot consisting of a gross area of 6,681 sq.ft., zoned D.R. 5.5, and is presently unimproved. The lot

ORDER RECEIVED FOR FILING

Date

By

is identified as Lot 304 of the subdivision known as Hall & Smith Farms, an older subdivision in Halethorpe which was platted many years ago. The lot is presently owned by Harry and Nelda Ring, but under contract of sale to Michael Donohue. Mr. & Mrs. Ring previously owned two other adjoining lots to the rear of the subject property, identified on the site plan as Lots 305 and 306. Those lots are now owned by Henry & Barbra Altevogt, who appeared as Protestants in this case. Mr. & Mrs. Altevogt's property is improved with a single family dwelling which fronts, and lies adjacent to, Selma Avenue.

As shown on the site plan, Lot 304 previously served as part of the rear yard for the Altevogt's house (Lots 305 and 306). Additionally, the subject lot was used to provide vehicular access to the rear of the Altevogt's property from Winans Road. Apparently, when Mr. & Mrs. Ring decided to sell their property, they sold the front portion of the property containing the house to Mr. & Mrs. Altevogt; however, retained the rear (subject) lot for potential future development.

In support of the requested relief, Mr. Donohue testified about his proposed plans. As noted above, he originally anticipated constructing a single story, 44' x 28' dwelling on the property; however, after consulting with the Office of Planning, his plans were slightly amended. Although the footprint and size of the proposed dwelling remain the same, the location of the structure has been altered. As shown on the amended plan, the structure has been shifted so as to provide a 16-foot rear yard setback and a 10-foot setback from the deck. The front and side yard requirements remain as originally requested. Mr. Donohue testified that he needs to construct a one-story single family dwelling in order to accommodate the needs of his mother who will reside with him. It was indicated at the hearing that she is elderly and in declining health and that a structure with no steps is necessary to accommodate her needs. The testimony offered by Mr. Donohue, Mr. Ring, and their witnesses is fully contained in the record of this case.

Mr. Damron and Mr. Altevogt appeared in opposition. As noted above, Mr. Altevogt purchased a portion of the original Ring tract and now resides in the dwelling to the rear of the subject property at 1708 Selma Avenue. Mr. Altevogt believes that the subject property is simply too small to accommodate the proposed dwelling. He indicated that the house would be out of

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RM

character with surrounding homes in the neighborhood and that construction of same would infringe on his property. Similar comments were offered by Mr. Damron, who appears to be the most affected neighbor. Mr. Damron resides on the immediately adjacent lot (Lot 307) at 1723 Winans Avenue. Mr. Damron noted that the rear of the proposed dwelling and deck would be very close to his house and create an adverse impact on his property.

The Zoning Commissioner's consideration of variance relief is governed by Section 307 of the B.C.Z.R. That Section, as construed by the case law, requires that the Petitioner demonstrate that the property at issue is unique, that a practical difficulty would be suffered if variance relief were denied, and that the applicant demonstrate that relief can be granted without adverse impact to adjacent properties. In this case, the Petitioners meet the first prong of that test as to the property's uniqueness. The irregular shape and configuration of the property are unique factors which justify variance relief in this case. Moreover, I am satisfied that the second test is met insofar as practical difficulty. If variance relief were denied, the lot would be unbuildable, thus causing a practical difficulty (as defined by law) upon the Petitioner.

The third standard is more troublesome. In order for a variance to be granted, the Petitioner must also show that relief can be granted without adverse impacts to surrounding properties. In this case, I am not persuaded that the Petitioners' plan meets this test. Due to the small area and shape of this property, it is clear that any dwelling thereon should contain a smaller footprint. That is, the dwelling should be higher, i.e., two stories, but smaller in footprint, so as to provide a larger yard area and greater setback distances. In this case, Mr. Donohue indicated that a one-story structure was necessary to accommodate the health needs of his mother. Although I am appreciative of his concerns, and sympathetic to his plight, the personal needs of an applicant cannot be utilized to justify variance relief. Rather, the variance must be generated by some condition peculiar to the land itself, not the person who owns the land or resides thereon.

If relief were to be granted to approve the variances requested, the Petitioner would build a 28' x 44' house as shown on the plan. Although this may accommodate his needs and those of his mother in the short term, the construction will no doubt be envisioned on a long-term

basis. The adverse impacts caused by such a dwelling will still be felt by the neighbors in 30 years, long after Mrs. Donohue no longer resides on the property. As Zoning Commissioner, I cannot consider merely the short-term impacts, but the long-term effects as well.

For these reasons, I will deny the requested variances. I would favorably consider development of this property with a building containing a smaller footprint. A two-story structure would be more appropriate in that it would allow larger setbacks from all property lines. Although variance relief might be necessary to accommodate that type of building, it is clearly more appropriate for this lot than what is proposed.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons set forth above, the relief requested shall be denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 9th day of August, 1999 that the Petition for Variance seek relief from Sections 1B02.3.C.1 , 303.1 and 301 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 10 feet in lieu of the minimum required 26.5 feet, a rear yard setback of 10 feet in lieu of the required 30 feet, and an open projection (deck) setback of 3 feet in lieu of the required 22.5 feet, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED.

IT IS FURTHER ORDERED that the Petitioners shall have thirty (30) days from the date of this Order to file an appeal of this decision.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING

Date

By



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

August 10, 1999

Mr. & Mrs. Harry L. Ring, Jr.
5901 Millrace Court, Apt. 203
Columbia, Maryland 21045

RE: PETITION FOR VARIANCE
E/S Winans Road, 274' SW of the c/l Selma Avenue
(1721 Winans Road)
13th Election District – 1st Councilmanic District
Harry L. Ring, Jr., et ux, Owners; Michael S. Donohue, Contract Purchaser - Petitioners
Case No. 99-497-A

Dear Mr. & Mrs. Ring:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been denied, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt".

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. Michael S. Donohue
234 S. Stricker Street, Baltimore, Md. 21223
Mr. John C. Mellema, Jr.,
5409 East Drive, Baltimore, Md. 21227
Mr. Henry Altevogt
1708 Selma Avenue, Baltimore, Md. 21227
Mr. Mark Damron, 1723 Winans Avenue, Baltimore, Md. 21227
People's Counsel; Case File

Come visit the County's Website at www.co.ba.md.us



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on Recycled Paper



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1721 WILANS RD

which is presently zoned DR 5.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1 BOZ.3.C.1, 303.1, 301 (BCZR) TO PERMIT A 10 FOOT FRONT YARD SETBACK IN LIEU OF THE REQUIRED 26.5' MINIMUM FRONT AVERAGE SETBACK. TO PERMIT A 10 FOOT REAR YARD SETBACK IN LIEU OF THE REQUIRED 30 FOOT SETBACK. TO PERMIT AN OPEN PROJECTION DECK WITH A SETBACK OF 3 FEET IN LIEU OF THE REQUIRED 22.5 FEET.

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

TO BE DISCUSSED AT THE HEARING

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

MICHAEL S. DONOHUE

Name - Type or Print

Michael S. Donohue

Signature

234 S. STRICKER ST. (410) 233-1070

Address

Telephone No.

Ba 1to.

Md.

21223

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Case No. 99-497-A

Date 9/15/98

Legal Owner(s):

☒ HARRY L. RING JR

Name - Type or Print

☒ Harry Ring

Signature

☒ Nelda I. Ring

Name - Type or Print

☒ Nelda I. Ring

Signature

5901 MILLACE CT. APT. 203 (410) 290-0415

Address

Telephone No

Columbia

Md.

21045

City

State

Zip Code

Representative to be Contacted:

Name

Address

Telephone No

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING

Reviewed By LTM/JRF Date 9-9-99

ORDER RECEIVED FOR FILING

Date



John C. Mellema, Jr. Inc.

5409 East Drive

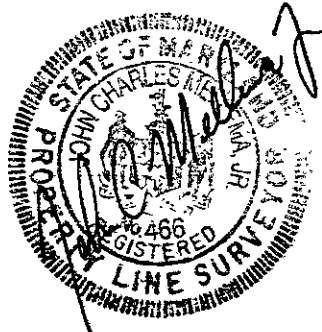
Baltimore, MD 21227

(410) 247-7488 Fax (410) 247-2507

ZONING DESCRIPTION FOR 1721 WINANS ROAD

Beginnng at a point on the East side of Winans Road which is a 50 foot wide right-of-way at a distance of 274 feet more or less from the Southwest side of Selma Avenue Which is a 50 foot right-of-way.

Being lot 304 in the Subdivision of Hall and Smith Farms, Halethorpe as recorded in Baltimore County, Maryland in plat book 1 folio 60 containing 6681 square feet of land more or less. Also known as 1721 Winans Road and located in the 13th election district, First Councilmanic District.



497

99-497-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 069879

DATE 6-9-99 ACCOUNT R-001-6150

AMOUNT \$ 50.00

RECEIVED FROM: John Mellema

01 Variance

FOR: 1721 Winans Rd. Taken by: LTM
I/m # 497 JRF

PAID RECEIPT

PROCESS ACTUAL TIME
6/10/1999 6/09/1999 12:46:04
REG NO. 1 CASHIER JRIC JMR BROWER 1
Dep. 5 528 ZONING VERIFICATION
Receipt # 104457
CR NO. 069879

Receipt Int 50.00
50.00 OK
Baltimore County, Maryland

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

CASHIER'S VALIDATION

99-497-A

NOTICE OF PUBLIC HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case #98-497-A

1721 Winans Road
E/S Winans Road, 274' from
Selma Avenue

13th Election District
1st Councilmanic District

Legal Owner(s):

Nelda E. & Harry L. Rhoads, Jr.
Contract Purchaser:

Michael S. Donohue

Variance: to permit a 10-foot front yard setback in lieu of the required 26.5-foot minimum front average setback; to permit a 10-foot rear yard setback in lieu of the required 30-foot setback; and to permit an open protection deck with a setback of 3 feet in lieu of the required 22.5 feet.

Hearing: Tuesday, July 27, 1998 at 10:00 a.m. in Room 407, County Courts Bldg., 401 Bodley Avenue.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are

Handicapped Accessible; for

Special Accommodations

Please Contact the Zoning

Commissioner's Office at

(410) 887-4388.

(2) For information concern-

ing the File and/or Hearing,

Contact the Zoning Review Of-

fice at (410) 887-3391.

7/1/98 July 8 C323892

CERTIFICATE OF PUBLICATION

TOWSON, MD., 7/8/, 1999

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 7/8/, 1999.

THE JEFFERSONIAN,

S. Wilkinson

LEGAL ADVERTISING

ZONING NOTICE

Case # : 99-497-A

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD.

ROOM 407 COUNTY COURTS BLDG,
PLACE : 401 BOSLEY AVENUE

TIME & DATE : JULY 27, 1999 - 10:00 A.M.

VARIANCE TO PERMIT A 10 FOOT FRONT
YARD SETBACK IN LIEU OF THE REQUIRED
20.5 FOOT MINIMUM FRONT AVERAGE SETBACK
TO PERMIT A 10 FOOT REAR YARD SETBACK
IN LIEU OF THE REQUIRED 30 FOOT
SETBACK AND PERMIT AN OPEN
PROJECTION DECK WITH A SETBACK
OF 6.6 FEET IN LIEU OF THE REQUIRED
22.5 FEET.

NOTICE: VARIANCES ARE TO BE GRANTED ON OTHER CONDITIONS ARE DETERMINED
NECESSARY BY ZONING HEARING
C.A.C. SET-1991 THE DAY BEFORE THE SCHEDULED HEARING DATE
IS 10:00 AM ON THE FIRST MONDAY OF THE MONTH IN
HEARINGS ARE HANDLED BY TOWSON 19115

ZONING NOTICE

Case # : 99-497-A
A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD.

ROOM 407 COUNTY COURTS BLDG,
PLACE : 401 BOSLEY AVENUE
TIME & DATE : JULY 27, 1999 - 10:00 A.M.

CERTIFICATE OF POSTING

RE: Case No.: 99-497-A

Petitioner/Developer: _____

MICHAEL S. DONOVUE

Date of Hearing/Closing: 7-27-99

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at _____

#1721 WINANS ROAD

The sign(s) were posted on JULY 9, 1999
(Month, Day, Year)

Sincerely,

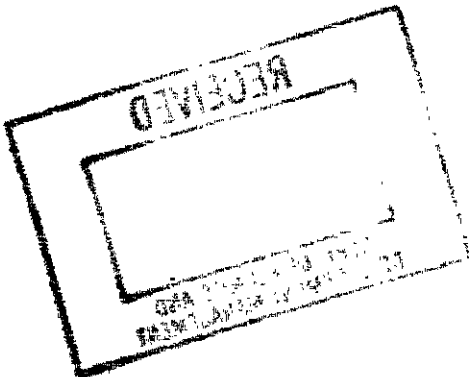
Garland E. Moore
(Signature of Sign Poster and Date)

GARLAND E. MOORE
(Printed Name)

3225 RYERSON CIRCLE
(Address)

BALTIMORE, MD. 21227
(City, State, Zip Code)

(410) 242-4263
(Telephone Number)





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

June 22, 1999

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-497-A
1721 Winans Road
E/S Winans Road, 274' from Selma Avenue
13th Election District – 1st Councilmanic District
Legal Owner: Nelda I. & Harry L. Ring, Jr.
Contract Purchaser: Michael S. Donohue

Variance to permit a 10-foot front yard setback in lieu of the required 26.5-foot minimum front average setback; to permit a 10-foot rear yard setback in lieu of the required 30-foot setback; and to permit an open projection deck with a setback of 3 feet in lieu of the required 22.5 feet.

HEARING: Tuesday, July 27, 1999 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

A handwritten signature in black ink, appearing to read "Arnold Jablon", with a stylized flourish below it.

Arnold Jablon
Director

c: Nelda & Harry Ring, Jr.
Michael Donohue

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY JULY 12, 1999.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

Come visit the County's Website at www.co.ba.md.us



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on Recycled Paper

TO: PATUXENT PUBLISHING COMPANY
July 8, 1999 Issue – Jeffersonian

Please forward billing to:

Michael S. Donohue 410-233-1070
234 S. Stricker Street
Baltimore, MD 21223

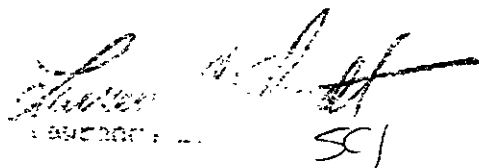
NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-497-A
1721 Winans Road
E/S Winans Road, 274' from Selma Avenue
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HEARING: Tuesday, July 27, 1999 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue



SCJ

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 99-497-A

Petitioner: Harry Ring

Address or Location: 1721 Winans Rd.

PLEASE FORWARD ADVERTISING BILL TO:

Name: Michael S. Donohue

Address: 234 S. Stricker St.

Balto. Md. 21223

Telephone Number: (410) 233-1070



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

July 23, 1999

Mr. Michael S. Donohue
234 S. Stricker Street
Baltimore, MD 21223

Dear Mr. Donohue:

RE: Case No.: 99-497-A, Petitioner: Donohue/Ring,
Location: 1721 Winans Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM), on June 9, 1999.

The Zoning Advisory Committee (ZAC), which consists of representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in black ink, appearing to read "W. Carl Richards, Jr.", is written over the typed name.

W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:ggs

Enclosures

Come visit the County's Website at www.co.ba.md.us



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on Recycled Paper

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management

Date: July 1, 1999

FROM: Robert W. Bowling, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
for June 28, 1999
Item No. 497

The Bureau of Development Plans Review has reviewed the subject zoning item. The Developer is responsible for any public water main extension and/or public sanitary sewerage required to serve this property. He is responsible for the preparation and the cost of construction drawings and right-of-way plats required. He is further responsible for conveying any required right-of-way to Baltimore County at no cost to the County.

RWB:HJO:jrb

cc: File

ZAC06289.497



**Baltimore County
Fire Department**

700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4500

July 9, 1999

Arnold Jablon, Director
Zoning Administration and Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF June 21, 1999

Item No.: See Below

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

9. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

486, 487, 488, 489, 490, 491, 492, 493, 494, 495,
496, 497, 498, 499, 500

REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 887-4831, MS-1102F

cc: File

Come visit the County's Website at www.co.ba.md.us



hs
7/27

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits and
Development Management

DATE: July 20, 1999

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: 1721 Winans Road

INFORMATION:

Item Number: 497
Petitioner: Michael S. Donohue
Property Size:
Zoning: DR 5.5
Requested Action:
Hearing Date: July 27, 1999

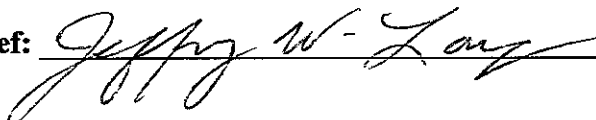
The property in question was the subject of a previous Variance Hearing Case No. 95-303A which granted Variances to allow the construction of a two story 24'x28' single family dwelling on an irregular lot known as 1721 Winans Road. The current request is necessitated by a proposal to construct a one-story 28'x44' single family dwelling. The petitioner has requested Variances from Section 1B02.3.C.1, 303.1 and 301 of the Baltimore County Zoning Regulations to permit a 10' front yard setback in lieu of 26.5', a 10' rear yard setback in lieu of 30' and an open projection (deck) of 3' in lieu of 22.5'. This office received a revised plan on June 29, 1999. The house location has shifted so the deck setback scales to 5' and the rear yard setback scales to 13'. Elevation drawings that approximate the house proposed were submitted on July 20, 1999.

SUMMARY OF RECOMMENDATIONS:

This office does not object to the requested Variances provided adequate screening is provided along the rear property line adjoining the Damron property. Screening may be either a board on board fence or planting in the form of evergreen shrubs.

Section Chief:

AFK:DI:lsn



RE: PETITION FOR VARIANCE
1721 Winans Road, E/S Winans Rd, 274' from Selma Ave
13th Election District, 1st Councilmanic


Legal Owner: Harry L. and Nelda I. Ring, Jr.
Contract Purchaser: Michael S. Donohue
Petitioner(s)

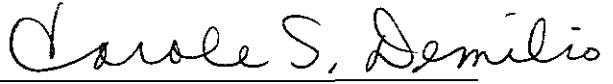
* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 99-497-A

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.


PETER MAX ZIMMERMAN
People's Counsel for Baltimore County


CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 2nd day of July, 1999 a copy of the foregoing Entry of Appearance was mailed to Legal Owners Harry L. and Nelda I. Ring, Jr., 5901 Millcase Court, Apt. 203, Columbia, MD 21045, and to Contract Purchaser Michael S. Donohue, 234 S. Stricker Street, Baltimore, MD 21223, Petitioners.


PETER MAX ZIMMERMAN

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

HARRY L. RING JR

5901 MILLRAE CT H203

COLUMBIA-MD 21048

MICHAEL S. DONOHUE

234 S. STRICKER ST.

BALTIMORE, MD. 21223

JOHN C. MELLEMA JR

5409 EAST DR.

JOHN C. MELLEMA SR. INC. (LAND SURVEYOR BALTO. CO. MD. 21227

JEFFREY D. RING (OWNER'S SON)

12877 POLLY QUARTER ROAD

ELLICOTT CITY, MD. 21042

CHARLES T. WELSH

4601 PROSPECT AVE

Glyndon Construction Co. Inc.,

Glyndon MD. 21071



PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME
HENRY ALTEVOGT
MARK DAMRON

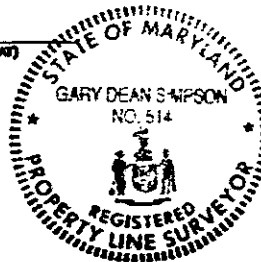
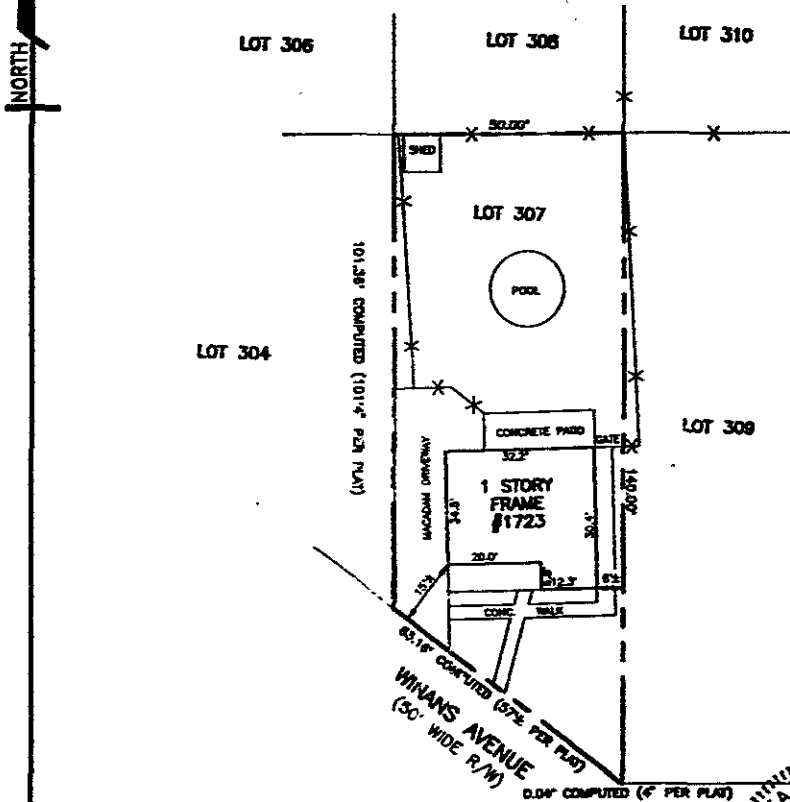
ADDRESS
1708 SELMA AVE
BALTIMORE MD 21227
1723 WINDS AVE
BALTIMORE MD 21227

0012468 396

CASE NO. LA322167GS

LOCATION DRAWING

PLAN OF THE SUBDIVISION OF THE
HALL AND SMITH FARMS
 LOT 307
 BALTIMORE COUNTY, MARYLAND



PROPERTY ADDRESS: 1723 WINANS AVENUE

THE PROPERTY SHOWN HEREON IS LOCATED IN ZONE C (AREA OF MINIMAL FLOODING) ACCORDING TO NATIONAL FLOOD INSURANCE PROGRAM F.I.R.M. MAP COMMUNITY PANEL NO. 240010 0505 B AS REVISED 03-02-1997.

CERTIFICATE

I HEREBY DECLARE THAT THE POSITION OF ALL THE VISIBLE EXISTING IMPROVEMENTS SHOWN ON THE ABOVE DESCRIBED PROPERTY HAVE BEEN ESTABLISHED BY PROPER FIELD METHODS.

REFERENCES

PLAT BK. J.W.S. 1

PLAT NO. 60

LIBER

FOLIO

CENTRAL MARYLAND SURVEYORS, INC.

1010 NORMAN DRIVE (301) 282-2500 FAX (301) 282-8076 BOWIE, MD 20716

DATES:

SCALE: 1"=30'

WALL CHECK:

DRAWN BY: JWB

BASE LOC: 06-20-1997

JOB NO.: 1648-97

BOUNDARY:

GARY DEAN SIMPSON
Reg. MARYLAND Property Line Surveyor No. 514

- NOTES: 1) This location drawing is of benefit to a consumer only in so far as it is required by a lender or a title insurance company or its agent in connection with contemplated transfer, financing or refinancing.
 2) This location drawing is not to be relied upon for the accurate identification of property boundary lines, but such identification may not be required for the transfer of title or existing financing or refinancing.
 3) B.U.L. information, if shown was obtained from existing record plat or was provided to CMS, and is not guaranteed by CMS, Inc.
 4) Flood Zone information is subject to the interpretation of the originator.
 5) CMS, Inc. does not certify to unknown or unrecorded encroachments or overlaps.
 6) Level of accuracy 1/8"

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PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

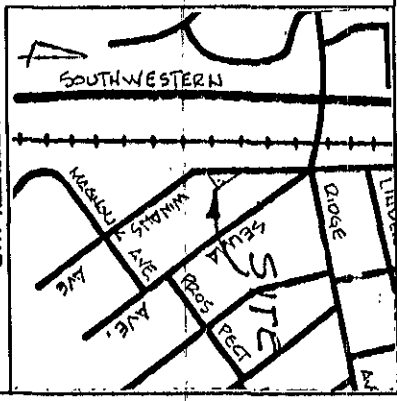
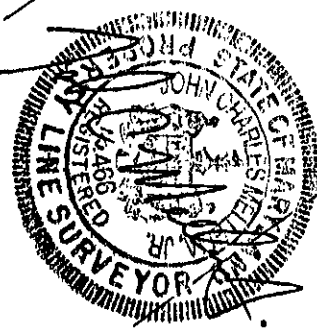
PREPARED BY
JOHN C. HELLEMA SR., INC.
LAND SURVEYORS
5409 EAST DR. BALTIMORE, MD. 21227
PH. 410-247-7488 FAX 410-247-2507

EXIST. 2 STORY DWLG. # 1708
HENRY & BARBARA ALTEVEGT
11187/118

LOT 308
DONALD & PHYLLIS ROGERS
13-18-470640
3182/484

LOT 307
MARK F. & JENNIFER L. DAMRON
12468/393
13-13-176500

RONALD W. & NANCY GOOD
13-03-230990
9875/179



VICINITY MAP
SCALE 1"=1000'

LOCATION INFORMATION

COUNCILMANIC DIST. ONE
ELECTION DIST. 13
ZONING DR 55
1"=200' SCALE MAP SV D6

LOT SIZE 0.15 AC. 6681 SQ. FT.

PUBLIC ☒ PRIVATE ☐
SEWER ☒
WATER ☒
CHESAPEAKE BAY CRITICAL AREA ☐ YES ☒ NO

PRIOR ZONING HEARINGS:
ZONING VARIANCE FOR FRONT RESTRICTION LINE CASE NO. 95-303-A APRIL 11, 1995

PROPERTY ADDRESS:
1721 WINANS ROAD

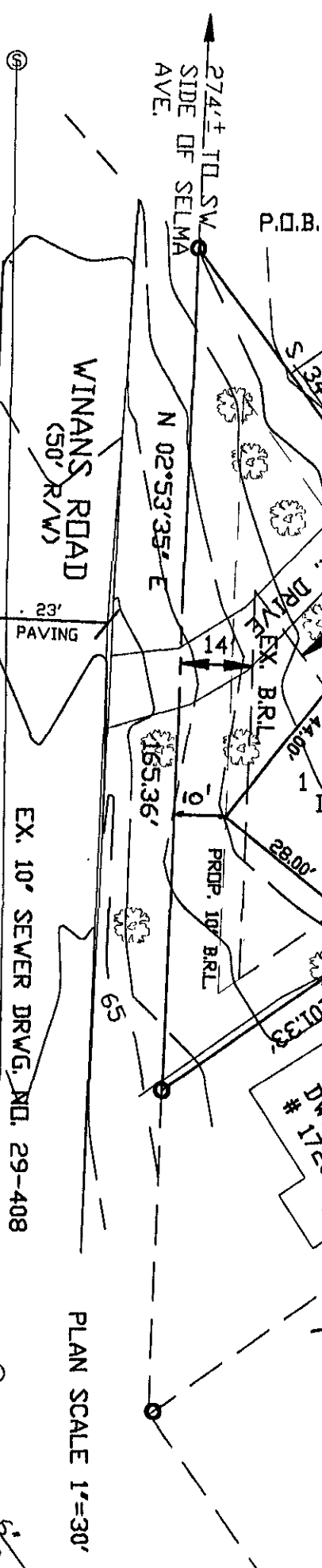
SUBDIVISION NAME:
PLAT OF HALL & SMITH FARMS
HALETHORPE
PLAT BOOK 1 FOLIO 60
LOT 304

DEED REF. 2278/101
OWNER: HARRY L. & NELIDA A. RING
TAX ID NO. 13-18-350310
DATE, JUNE, 1999
SCALE 1"=30'

ZONING OFFICE USE ONLY

REVIEWED BY	ITEM	CASE
LTV	497	

PLEASE CHECK DATE



EXIST. 2 STORY DWLG. # 1723

PROP. 1 STORY DWLG.

EX. DRIVE EX. B.R.L.

274'± TO SW SIDE OF SELMA AVE.

N 02°53'35" E

WINANS ROAD (50' R/W)

PLAN SCALE 1"=30'

99-497-A

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PREPARED BY
JOHN C. MELLEMA SR., INC.
LAND SURVEYORS
5409 EAST DR. BALTIMORE, MD. 21227
PH: 410-247-7488 FAX: 410-247-2507

LOT 308
DONALD & PHYLLIS
ROGERS
13-18-470640
3182/484

LOT 305
HENRY & BARBARA
ALTEVOGT
11187/118

LOT 303
RONALD W.
& NANCY GOOD
13-03-230990
9875/179

LOT 307
MARK F. &
JENNIFER L.
DAMRON
12468/393
13-13-176500

P.D.B.

274.4' TO SW
SIDE OF SELMA
AVE.

N 02°53'35" E

S 34°53'54" E

WINANS ROAD
(50' R/W)

23' PAVING

EX. 10' SEWER DRWG. NLT. 29-408

PLAN SCALE 1"=30'

EX. 6' WATER
26158



MELLEMA SURVEYING

VICINITY MAP
SCALE 1"=1000'

LOCATION INFORMATION

COUNCILMANIC DIST. ONE
ELECTION DIST. 13
ZONING DR 5.5
1"=200' SCALE MAP, SV D6

LOT SIZE: 0.15 AC. 6681 SQ. FT.

PUBLIC PRIVATE

SEWER

WATER

CHESAPEAKE BAY
CRITICAL AREA: YES ☐ NO ☒

PRIOR ZONING HEARINGS:
ZONING VARIANCE FOR FRONT
RESTRICTION LINE CASE NLT.
95-303-A, APRIL 11, 1995

PROPERTY ADDRESS:

1721 WINANS ROAD

SUBDIVISION NAME:
PLAT OF HALL & SMITH FARMS
HALETHORPE
PLAT BOOK 1 FOLD 60
LOT 304

DEED REF. 2278/101
OWNER HARRY L. & MELBA A. RING
TAX ID NLT. 13-18-350310
DATE: JUNE, 1999
SCALE 1"=30'

ZONING OFFICE USE ONLY

REVIEWED BY: ITEM CASE:

